

Out of the Jungle

Thoughts on the present and future of legal information, legal research, and legal education.

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Working Mother on the Best Firms for Work Life Balance



Click on the title for this post to read a nice article at *Working Mother* on how the tanked economy is helping firms see the wisdom of work-life balance. Now male attorneys are starting to take advantage of family leave -- it's not just a mommy track thing any more. And it might just become a long-term part of the culture inside many firms, persisting even after the economy improves. Reduced hours (and still get benefits!), flexible hours, contract work, are all strategies that allow parents to spend more time with children, or sandwich generations to manage their obligations, or just let people have more flexible lives.

The move isn't purely altruistic: By offering more flexible work arrangements, the firm is able to contain costs in slow practice areas and still retain top talent. "We are seeking every alternative to layoffs," explains Nancy Vollertsen, 59, who chairs the firm's employment law practice. "We're being as flexible as we can and we believe it will pay off for us when the business comes back."

To minimize layoffs, some firms are asking attorneys to work reduced-hour schedules. For example, in some practice groups at New York-based Pillsbury Winthrop Shaw Pittman, attorneys have temporarily switched to 90 percent schedules to preserve jobs. And at Chicago-based Chapman and Cutler, partners are saving billable tasks for associates as way to

save jobs as well. (Partners instead are focusing on strategic initiatives like research and client development, explains Melanie Gnazzo, 50, mother of Robert, 15 and Ryan, 11, and full-time equity partner in the firm's structured finance group. "We view this downturn as temporary and are going into investment mode," she says.)

While impressive, these three Best Law Firms remain in the considerable minority when it comes to acknowledging the use of such options. That's because too many attorneys still fear the impact a voluntary downshift might have on their career, even temporarily, while too many firms worry that publicizing reduced-hour schedules will make their business appear troubled. American Bar Association president Tommy Wells, who has discussed the topic with firms nationally, says, however, that such views are a mistake. Reduced hours "is a better model" for a downturn than layoffs, he argues. "It spreads the pain more broadly and it preserves talent and the culture of the law firm."

Reduced hours can also help preserve a firm's coffers as well, something of particular interest during this recession: Researchers at the UC Hastings Project for Attorney Retention estimate, for example, that in a six-lawyer practice group, a firm could save roughly \$30,000 by having each attorney reduce their hours 20 percent, versus laying one off. It's a tidy sum, considering that PAR's calculation doesn't factor in disruptive costs related to a termination—including gaps in client service, loss of institutional knowledge, loss of training investment and damage to employee morale, or even the cost of re-hiring and training a new associate, which PAR has conservatively estimated at \$300,000 to \$500,000 per associate, when business improves.

Deborah Epstein Henry, founder and president of Flex-Time Lawyers, which consults on work-life and women's issues, has taken the reduced-hour concept a step farther by advocating that firms "reset" their billable hour system by instituting multiple target-hour tracks, ranging from 1,200 to 2,000 hours annually and making commensurate adjustments in salary. (These different target billable-hour commitments could be adjusted during different periods of the attorneys' careers based on business and personal needs.) It's a move that Henry says mirrors the current billing patterns at firms, given the declining demand for legal services, adding that it could help save jobs and bring salaries in line with market conditions while avoiding a traditionally stigmatized "part time" role.

The article goes on to talk about the pressures the economy is putting on the "billable hour." Clients hate it, and it's anathema to those who want a more flexible work environment as well. And [here](#) is the link to their list of the best law firms for women lawyers. They also have

in the same issue of the online magazine the best 100 companies for women and interviews with the "best of the best" on what they do that supports women in the workplace, a nice [central link here](#).

A first generation of reduced-hours lawyers—many of them working moms—found themselves on a dead-end career track. Now progressive firms are offering them the chance to make equity partner and share in the decision-making and the profits. (snip)

Notorious for their grueling, non-family-friendly schedules, law firms have traditionally reserved partnership for full-time attorneys, while those opting to work reduced hours have found their careers stalled. Though Pamela's roughly 40-hour week isn't what most employees would consider "part-time," in her profession—where performance is measured in billable hours—it's common to log twice as many hours each week. Her reduced schedule means she can make her most important daily appointment—6:30 p.m. family dinner with sons Addison, 7, and Marshall, 6—without sacrificing her career. In fact, as an equity partner at Arnold & Porter, she not only has a voice in the firm's management but also shares in its profits.

To be sure, this new breed of equity partner is still the exception, not the rule. Today women make up only 18 percent of equity and nonequity partners nationwide, and according to the National Association for Law Placement (NALP), only 12 percent of these partners work a reduced-hours schedule. (All told, only 3 percent of male and female partners nationwide work reduced hours, according to NALP.) But for a growing number of progressive firms, the part-time partnership option is a critical recruitment and retention tool. "Many young lawyers want to start their careers at a fast pace but know that someday they want a family," says attorney and law recruiter Karen Welling, who owns a consulting firm in Boston. "A firm's commitment to family is a huge selling point."

The Best Law Firms for Women are leading the charge for change. Indeed, 100 percent of our winning firms allow reduced-hours lawyers to be elevated to partnership. They also report 22 percent of female nonequity partners working reduced hours and 12 percent of female equity partners working reduced hours. But more important, over the past five years, these firms have continued, albeit slowly, to promote reduced-hours lawyers to nonequity and equity partner at an average rate of two lawyers a year per firm. These firms also offer support—including mentoring, business-development training and backup child care—to help these lawyers succeed. "Our flexible-schedule and part-time partners are among our most respected and valued, both inside and outside the firm," says Jerry H. Biederman, managing partner of Chicago-based Neal, Gerber & Eisenberg. "Firms that don't give part-time

attorneys the option to pursue the same career path as full-timers risk turning away or demoralizing some of their best talent.” (snip)

For lawyer moms, and women in general, the real excitement in the legal profession today is that firms are taking this next step to part-time partnership—albeit a baby step. “This is a second-generation issue,” says Cynthia Calvert, codirector of the Project for Attorney Retention, an initiative of the Center for WorkLife Law at University of California Hastings College of the Law. “The first generation was allowing attorneys to reduce their hours. Now it’s about allowing reduced-hours attorneys to advance to the point where partnership is an issue.”

This change is a ray of light in the legal profession, which has lagged sorely behind comparable professions even in offering the part-time option. Today, while only 5 percent of lawyers at major firms work part-time, federal statistics show that nearly 14 percent of employees across most white-collar jobs do. Fields such as medicine and accounting have seen their ranks revolutionized by flexible working arrangements; however, at many law firms, reduced-hours attorneys often find themselves stigmatized as less committed than their peers and excluded from the prestigious work that leads to partnership.

With attrition rates for women at major law firms now hovering at 76 percent by their fifth year of practice, some firms see flexible work arrangements backed by real career advancement possibilities as the key to retaining top talent. At the Minneapolis firm Dorsey & Whitney, for example, attrition among women dropped to 10.8 percent last year from 27 percent in 2005, thanks to flexible work arrangement programs that have resulted in four reduced-hours attorneys being elevated to equity partner since 2003.

Networking and mentoring tailored to reduced-hours lawyers are also becoming increasingly prevalent, especially at our winning firms—nearly 80 percent of which assign an employee to keep tabs on the reality of reduced-hours workloads. (snip)

Flex Works Both Ways

Women who have made partner while working reduced hours are spreading the word—and offering advice to the next generation. Emily Yinger, managing partner for Hogan & Hartson’s Northern Virginia office and mother of Meredith, 14, Matthew, 12, and Claire, 5, encourages fellow part-timers to strive for partnership. “It gives you the ability to develop a team,” says Emily, who also serves on the firm’s executive committee. “A team can backstop you, and

you can be there to help them out. It's a huge part of how I became successful."

But Emily, 45, doesn't sugarcoat what partnership requires: top-quality work, substantive expertise and revenue production. "I tell them, if you want a predictable job, this isn't it. But we can give you a whole lot of flexibility now that technology is so good."

That flexibility is key for both part-time attorneys and their full-time colleagues. Take Diane Hertz, 43, a litigation partner with Bingham McCutchen's New York office, who has twice shifted between part- and full-time schedules since her son, Braden, 6, was born. Diane recalls she returned from maternity leave to find coworkers buried in a big international litigation. "So I went back full-time for eight or nine months to help," she says. "It was a great deal of travel, which was okay because he was just a little guy. But when he became aware of my going away and started to get upset, I knew it was time to step back." Her willingness to ramp up for key cases branded her a team player at Bingham McCutchen; the firm, in return, has worked to support her schedule. "I appreciate their flexibility when I say, 'I'm ready to go back to my other schedule,'" says Diane.

For most reduced-hours lawyers, being flexible means being in BlackBerry contact, keeping full-time child care for backup and being willing to postpone a day out of the office for urgent matters. "If you are too rigid about it, it won't work," says Miranda Mandel, 51, general counsel for Neal, Gerber & Eisenberg and one of six reduced-hours equity partners at the firm. "You have to be available to your clients. It's not necessarily dropping everything to do the work, because then you're not part-time. But it is being responsive in a way that tells your client or colleague that you know something needs to be done."